



15866 U.S. PTO

**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE**
REQUEST FOR FILING
(RULE 53(b)(1))

For Design or Utility Applications

(DO NOT USE FOR CIPs)

Rule 53(b)(1) PATENT APPLICATION:

Continuation) application under 37 CFR 1.53(b)(1)
 Divisional) application under 37 CFR 1.53(b)(1)
of pending prior application of

Group Art Unit: 1645

Examiner: R. P. Swartz

Inventor(s): **Henry C. LIN**

Parent Appln. No.: 09 | 837,797
Series Code ↑ | Serial No. ↑

Atty. Dkt. 0308988 | New C-M
Lin | Client Ref

Parent Filed: April 17, 2001

This Appln. Filed: March 26, 2004

17510 U.S. PTO
10/810020



Title: **METHODS FOR MANIPULATING UPPER GASTROINTESTINAL TRANSIT, BLOOD FLOW, AND SATIETY, AND FOR TREATING VISCERAL HYPERALGESIA**

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: March 26, 2004
(Parent Matter No. 81476-0306897)

Sir:

To effect the above-requested filing today:

1. **Attached** is a copy (**which must be filed**) of the prior application, including:

Abstract
 Specification and claims (76 pages) (**must be attached**)
 Drawings (**must be attached if originally filed**): 6 sheet(s)/set: 1 set informal; Formal of size A4 11"

1A. Always X one box, only:

(1) Copy of Signed declaration or oath as originally filed in prior application attached

(2) NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1. Mark Pimentel
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

2.5 **THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):**

1. Henry C. Lin
2. _____
3. _____
4. _____
5. _____
6. _____
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8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of _____ (country)

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) _____	_____	(2) _____	_____
(3) _____	_____	(4) _____	_____
(5) _____	_____	(6) _____	_____

a. _____ (No.) Certified copy/copies attached.

b. Certified copy/copies previously filed on _____ in
U.S. Application No. _____ / _____, filed on _____
series code ↑ ↑ serial no.

c. Certified copy/copies filed during International stage of PCT/ _____ / _____

4. (a) Domestic priority is claimed from PCT/ _____ / _____, filed _____
(b) Benefit is claimed of Provisional Application No. 60/_____, filed _____.

5. Prior application is assigned to Cedars-Sinai Medical Center
by assignment recorded August 10, 2001 Reel 012084 Frame 0559
(Date)

6. Attached is the following number of Assignments (including original and all later successive ones by
different assignors): 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you
want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. The power of attorney in the prior application is to Pillsbury Winthrop LLP

(Name and Reg. No.) Richard H. Zaitlen Reg. No. 27,248

whose current address is as in item 8 below.

a. Recognize as associate attorney Seth D. Levy, Reg. No. 44,869

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group
of Pillsbury Winthrop LLP, 725 South Figueroa Street, Suite 2800, Los Angeles, CA 90017-5406.**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No.	09 /	837,797	filed	April 17, 2001
No.	09 /	546,119	filed	April 10, 2000
No.	09 /	420,046	filed	October 18, 1999
No.	09 /	359,583	filed	July 22, 1999
No.	08 /	832,307	filed	April 3, 1997
No.	08 /	442,843	filed	May 17, 1995

No. PCT/ _____ / _____ filed _____, which

designated the U.S. and that International Application was was not published under PCT Article 21(2) in English

9(a). See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** is Not claimed is claimed (pre-filing confirmation required):

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

filed in above prior application
 attached.

11. Petition to extend the life of the above prior application to at least the date hereof
(one box) is being concurrently filed in that prior application (Use Form PAT-111).

(must be) was previously filed in that prior application (Check length of prior extension).
 (X'd) is not necessary for copendency (Double check before X'ing this box).

12. **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

13. Attached is a Rule 103(a) Petition to Suspend Action.

14. **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

->->->->**CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14**<-<-<-

NOTE: If box 1A2 is X'd, do not pay fees,
 but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

				Large/Small Entity		Fee Code
15. Basic Filing Fee			Design Application	\$340/\$170		1002/2002
16. Basic Filing Fee			Utility Application	\$770/\$385	+770	1001/2001
17. Total Effective Claims	12	minus 20 =	0	x \$18/\$9	+0	1202/2202
18. Independent Claims	5	minus 3 =	2	x \$86/\$43	+172	1201/2201
19. If any proper multiple dependent claim (ignore improper) is present,				\$290/\$145	+0	1203/2203
20.				Subtotal =	\$942	
21. If "petition" box 13 above is X'd, add petition fee.			\$130		+0	1808
21A. If box 6 above is X'd, add Assignment recording fee			\$ 40		+40	8021
22.				TOTAL FILING FEE =	\$982	

(carry forward to Item 31)

Our Deposit Account No. 16-1805

Our Order No. 081476 | 0308988
 C# | M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

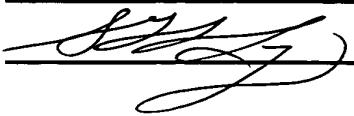
**Pillsbury Winthrop LLP
 Intellectual Property Group**

725 South Figueroa Street
 Suite 2800
 Los Angeles, CA 90017-5406
 Tel: (213) 488-7100

By Atty: **Seth D. Levy**

Reg. No. **44,869**

Sig:



Fax: (213) 629-1033
 Tel: (213) 488-7131

SDL/SBK
 Atty./Sec.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Henry C. LIN

Group Art Unit: 1645

Appln. No.: Unassigned

Examiner: R. P. Swartz

Filed: March 26, 2004

Atty Dkt: 81476-308988
C# M#

Title: ***METHODS FOR MANIPULATING UPPER
GASTROINTESTINAL TRANSIT, BLOOD FLOW, AND
SATIETY, AND FOR TREATING VISCERAL HYPERALGESIA***

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Label No. EV 330955398 US Date of Deposit: March 26, 2004

Mail-Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the following documents:

- Request for Filing Divisional Application
- Patent application (76 pages of specification; 1 page abstract; 12 claims)
- Check in the amount of \$942 to cover the filing fees
- Assignment and cover sheet, plus check for \$40 for recordation fee
- Copy of original Declaration (as filed in parent application)
- Copy of Power of Attorney by Assignee and Revocation of Prior Powers (as filed in parent application)
- Request for Removal of Small Entity Status
- 6 sheets of formal drawings
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and are addressed to: Mail-Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 26, 2004


Sherry B. Kolber

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): LIN ET AL.

Docket No.

18810-81652

Serial No.
09/837,797Filing Date
April 17, 2001Examiner
UNASSIGNEDGroup Art Unit
-

Invention:

**METHODS OF DIAGNOSING AND TREATING SMALL INTESTINAL BACTERIAL OVERGROWTH (SIBO)
AND SIBO-RELATED CONDITIONS**I hereby certify that this Verified Statement Claiming Small Entity Status
(Identify type of correspondence)is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The
Assistant Commissioner for Patents, Washington, D.C. 20231 on August 6, 2001
(Date)Ann Weiss

(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re DIVISIONAL patent application of:)
)
Henry C. LIN)
)
Serial No.: Unassigned)
)
Filed: March 26, 2004)
)
For: *METHODS FOR MANIPULATING UPPER*)
GASTROINTESTINAL TRANSIT, BLOOD)
FLOW, AND SATIETY, AND FOR TREATING)
VISCERAL HYPERALGESIA)

REQUEST FOR REMOVAL OF SMALL ENTITY STATUS

Dear Sir:

In accordance with 37 CFR 1.27(f), Applicant hereby requests the removal of small entity status in this matter. A claim of small entity status was made in the parent case (U.S. patent application serial No. 09/837,797, filed April 17, 2001; "Parent Application"), but this claim should not be carried over into the above-referenced divisional patent application being concurrently filed. Moreover, the claim of small entity status in the Parent Application is not intended to be affected by the present Request for Removal.

Respectfully submitted,
PILLSBURY WINTHROP LLP

Dated: March 26, 2004

By: 
Seth D. Levy
Registration No. 44,869
Attorney for Applicant(s)

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Los Angeles, CA 90017-5443
Telephone: (213) 488-7100
Facsimile: (213) 629-1033